

1 HONORABLE JAMES L. ROBART  
2  
3  
4  
5  
6  
7  
8

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

9 NATIONAL PRODUCTS INC.,

10 Plaintiff,

11 v.

12 ARKON RESOURCES, INC.,

13 Defendant.

15 NATIONAL PRODUCTS INC.,

16 Plaintiff,

17 v.

18 HIGH GEAR SPECIALTIES INC.,

19 Defendant.

20 NATIONAL PRODUCTS INC.,

21 Plaintiff,

22 v.

23 WIRELESS ACCESSORY SOLUTIONS,  
24 LLC, d/b/a IBOLT – WIRELESS  
ACCESSORY SOLUTIONS, LLC,

25 Defendant.

CONSOLIDATED CASE

Lead Case No. 2:15-cv-01984-JLR

**STIPULATED MOTION AND [PROPOSED]  
ORDER FOR REVISED SCHEDULE**

**NOTE ON MOTION CALENDAR:**

Friday, March 3, 2017

Case No. 2:15-cv-01985-JLR

JURY TRIAL DEMANDED

Case No. 2:15-cv-02024-JLR

JURY TRIAL DEMANDED

1 NATIONAL PRODUCTS INC.,  
2 Plaintiff,  
3 v.  
4 BRACKETRON, INC.  
5 Defendant.

Case No. 2:16-cv-00109-JLR

JURY TRIAL DEMANDED

7 Pursuant to the Court's February 23, 2017 Minute Entry (Dkt. No. 71) and Order Setting  
8 *Markman* Hearing (Dkt. No. 72), plaintiff National Products Inc. ("NPI") and defendants Arkon  
9 Resources, Inc. ("Arkon"), High Gear Specialties Inc. ("High Gear"), Wireless Accessory  
10 Solutions, LLC, d/b/a IBOLT – Wireless Accessory Solutions, LLC ("IBOLT"), and Bracketron,  
11 Inc. ("Bracketron") (collectively, "Defendants") jointly submit the following revised proposed  
12 schedule to govern the above-captioned matters.

13 The parties ask that the Court enter the following schedule of deadlines:

Event	Parties' Proposal
Joint Claim Construction and Prehearing Statement (LPR 132)	July 10, 2017
Parties File Simultaneous Opening <i>Markman</i> Briefs (LPR 134)	July 20, 2017
Parties File Simultaneous Responsive <i>Markman</i> Briefs (LPR 134)	August 10, 2017
Tutorial (if necessary)	To be set by the Court
<i>Markman</i> Hearing (LPR 135)	September 19, 2017 at 9:00 a.m.
Reports from Expert Witnesses Under FRCP 26(a)(2)	December 1, 2017
Rebuttal Expert Reports Due	December 22, 2017
All motions related to discovery must be noted on the motion calendar pursuant to LCR 7(d)(3) or LCR 37(a)(2)	<sup>26</sup> January 27, 2018

28 STIP. MTN. FOR REVISED SCHEDULE  
Case Nos. 2:15-cv-01984-JLR,  
2:15-cv-01985-JLR, 2:15-cv-02024-JLR,  
2:16-cv-00109-JLR

- 2 -

FENWICK & WEST LLP  
1191 SECOND AVENUE, 10TH FLOOR  
SEATTLE, WASHINGTON 98101  
TELEPHONE 206.389.4510  
FACSIMILE 206.389.4511

Event	Parties' Proposal
Discovery Completed By	February 1, 2018

In addition to the proposed deadlines set forth above, the parties agree that if any discovery requests were pending when the Court granted Defendants' requested stay (Dkt. No. 66), the deadline for responding to those requests is hereby extended fourteen (14) days from the date of entry of this order.

1 Dated: March 3, 2017

Respectfully submitted,

2 By: s/Jonathan T. McMichael  
3 David K. Tellekson, WSBA No. 33523  
4 Ewa M. Davison, WSBA No. 39524  
5 Jonathan T. McMichael, WSBA No. 49895  
6 FENWICK & WEST LLP  
7 1191 Second Avenue, 10th Floor  
8 Seattle, WA 98101  
9 Tel: 206.389.4510  
10 Fax: 206.389.4511  
11 Email: dtellekson@fenwick.com  
12 edavison@fenwick.com  
13 jmcmichael@fenwick.com

14 *Attorneys for Plaintiff  
15 National Products Inc.*

16 Dated: March 3, 2017

Respectfully submitted,

17 By: s/James E. Breitenbucher  
18 Jayson W. Sowers, WSBA No. 27618  
19 James E. Breitenbucher, WSBA No. 27670  
20 RIDDELL WILLIAMS P.S.  
21 1001 Fourth Avenue, Suite 4500  
22 Seattle, WA 98154-1192  
23 Tel: 206.624.3600  
24 Fax: 206.389.1708  
25 Email: jsowers@riddellwilliams.com  
jbreitenbucher@riddellwilliams.com

26 Marc A. Karish (admitted *pro hac vice*)  
27 KARISH & BJORGUM, PC  
28 119 E. Union Street, Suite B  
Pasadena, CA 91103  
Tel: 213.785.8070  
Fax: 213.995.5010  
Email: marc.karish@kb-ip.com

29 *Attorneys for Defendant  
30 Arkon Resources, Inc.*

31 *Attorneys for Defendant  
32 Wireless Accessory Solutions, LLC,  
33 d/b/a iBolt – Wireless Accessory  
34 Solutions, LLC*

35 STIP. MTN. FOR REVISED SCHEDULE  
36 Case Nos. 2:15-cv-01984-JLR,  
2:15-cv-01985-JLR, 2:15-cv-02024-JLR,  
2:16-cv-00109-JLR

1 Dated: March 3, 2017

Respectfully submitted,

2 By: s/Daniel J. Velloth

3 Rodney L. Umberger, WSBA No. 24948  
4 Daniel J. Velloth, WSBA No. 44379  
WILLIAMS, KASTNER & GIBBS PLLC  
5 601 Union Street, Ste. 4100  
Seattle, WA 98101-2380  
Tel: 206.628.6600  
Fax: 206.628.6611  
Email: rumberger@williamskastner.com  
dvelloth@williamskastner.com

6  
7 Thomas L. Kautz (*pro hac vice* forthcoming)  
GRAY ROBINSON, P.A.  
401 East Las Olas Blvd., Ste. 1000  
Fort Lauderdale, FL 33301  
Tel.: 954.761.8111  
Fax: 954.761.8112  
E-mail: tom.kautz@gray-robinson.com

8  
9  
10  
11  
12 *Attorneys for Defendant*  
*High Gear Specialties Inc.*

13 Dated: March 3, 2017

14 Respectfully submitted,

15 By: s/Robert J. Carlson

16 Robert J. Carlson, WSBA No. 18455  
LEE & HAYES PLLC  
One Convention Place  
17 701 Pike Street, Ste. 1600  
Seattle, WA 98101  
Tel: 206.315.4001  
Fax: 206.315.4004  
Email: bob@leehayes.com

18  
19  
20 Terrance C. Newby (admitted *pro hac vice*)  
MASLON LLP  
21 Wells Fargo Center  
90 South Seventh St., Ste. 3300  
22 Minneapolis, MN 55402  
Tel: 612.672.8328  
Fax: 612.672.8328  
Email: terry.newby@maslon.com

23  
24 *Attorneys for Defendant*  
*Bracketron, Inc.*

## ORDER

This matter is before the Court on the parties' Stipulated Motion for Revised Schedule ("the Stipulated Motion"). The Court, having considered this matter and the record in this case, ORDERS as follows:

The Stipulated Motion is GRANTED in its entirety.

IT IS HEREBY ORDERED THAT the following schedule of deadlines is in effect:

Event	Deadline
Joint Claim Construction and Prehearing Statement (LPR 132)	July 10, 2017
Parties File Simultaneous Opening <i>Markman</i> Briefs (LPR 134)	July 20, 2017
Parties File Simultaneous Responsive <i>Markman</i> Briefs (LPR 134)	August 10, 2017
Tutorial (if necessary)	To be set by the Court
<i>Markman</i> Hearing (LPR 135)	September 19, 2017 at 9:00 a.m.
Reports from Expert Witnesses Under FRCP 26(a)(2)	December 1, 2017
Rebuttal Expert Reports Due	December 22, 2017
All motions related to discovery must be noted on the motion calendar pursuant to LCR 7(d)(3) or LCR 37(a)(2)	January 26, 2018
Discovery Completed By	February 1, 2018

SO ORDERED this 6 day of March, 2017.

HONORABLE JAMES L. ROBART  
UNITED STATES DISTRICT JUDGE

1 Presented by:

2 By: s/Jonathan T. McMichael  
3 David K. Tellekson, WSBA No. 33523  
4 Ewa M. Davison, WSBA No. 39524  
5 Jonathan T. McMichael, WSBA No. 49895  
6 FENWICK & WEST LLP  
7 1191 Second Avenue, 10th Floor  
Seattle, WA 98101  
Tel: 206.389.4510  
Fax: 206.389.4511  
Email: dtellekson@fenwick.com  
edavison@fenwick.com  
jmcmichael@fenwick.com

9 *Attorneys for Plaintiff*  
10 *National Products Inc.*

11 By: s/James E. Breitenbacher  
12 Jayson W. Sowers, WSBA No. 27618  
13 James E. Breitenbacher, WSBA No. 27670  
14 RIDDELL WILLIAMS P.S.  
15 1001 Fourth Avenue, Suite 4500  
Seattle, WA 98154-1192  
Tel: 206.624.3600  
Fax: 206.389.1708  
Email: jsowers@riddellwilliams.com  
jbreitenbacher@riddellwilliams.com

17 Marc A. Karish (admitted *pro hac vice*)  
18 KARISH & BJORGUM, PC  
19 119 E. Union Street, Suite B  
Pasadena, CA 91103  
20 Tel: 213.785.8070  
Fax: 213.995.5010  
Email: marc.karish@kb-ip.com

21 *Attorneys for Defendant*  
22 *Arkon Resources, Inc.*

23 *Attorneys for Defendant*  
24 *Wireless Accessory Solutions, LLC,*  
*d/b/a iBolt – Wireless Accessory Solutions, LLC*

1

2 By: s/Daniel J. Velloth

3 Rodney L. Umberger, WSBA No. 24948  
4 Daniel J. Velloth, WSBA No. 44379  
WILLIAMS, KASTNER & GIBBS PLLC  
5 601 Union Street, Ste. 4100  
Seattle, WA 98101-2380  
Tel: 206.628.6600  
Fax: 206.628.6611  
Email: rumberger@williamskastner.com  
dvelloth@williamskastner.com

6  
7 Thomas L. Kautz (*pro hac vice* forthcoming)  
8 GRAY ROBINSON, P.A.  
9 401 East Las Olas Blvd., Ste. 1000  
Fort Lauderdale, FL 33301  
10 Tel.: 954.761.8111  
Fax: 954.761.8112  
E-mail: tom.kautz@gray-robinson.com

11  
12 *Attorneys for Defendant*  
*High Gear Specialties Inc.*

13

14 By: s/Robert J. Carlson

15 Robert J. Carlson, WSBA No. 18455  
LEE & HAYES PLLC  
One Convention Place  
16 701 Pike Street, Ste. 1600  
Seattle, WA 98101  
Tel: 206.315.4001  
Fax: 206.315.4004  
Email: bob@leehayes.com

17  
18 Terrance C. Newby (*admitted pro hac vice*)  
MASLON LLP  
19 Wells Fargo Center  
20 90 South Seventh St., Ste. 3300  
Minneapolis, MN 55402  
21 Tel: 612.672.8328  
Fax: 612.672.8328  
Email: terry.newby@maslon.com

22  
23 *Attorneys for Defendant*  
*Bracketron, Inc.*

24

25

26

27

28 STIP. MTN. FOR REVISED SCHEDULE  
Case Nos. 2:15-cv-01984-JLR,  
2:15-cv-01985-JLR, 2:15-cv-02024-JLR,  
2:16-cv-00109-JLR

## CERTIFICATE OF SERVICE

I, Sharie L. Parks, hereby certify that on March 3, 2017, I caused the foregoing

**STIPULATED MOTION AND [PROPOSED] ORDER FOR REVISED SCHEDULE to be**

served on the following parties as indicated below:

<p><b>Jayson W. Sowers</b> (WSBA No. 27618)  <b>James E. Breitenbacher</b> (WSBA No. 27670)  RIDDELL WILLIAMS P.S.  1001 Fourth Avenue, Suite 4500  Seattle, WA 98154-1192</p> <p><i>Attorneys for Defendants Arkon Resources, Inc.;  Attorneys For Defendant Wireless Accessory Solutions, LLC, d/b/a iBolt – Wireless Accessory Solutions, LLC</i></p>	<p><input type="checkbox"/> By United States Mail  <input type="checkbox"/> By Legal Messenger  <input checked="" type="checkbox"/> <b>By Electronic CM/ECF</b>  <input type="checkbox"/> By Overnight Express Mail  <input type="checkbox"/> By Facsimile  <input type="checkbox"/> By Email  jsowers@riddellwilliams.com  jbreitenbacher@riddellwilliams.com</p>
<p><b>Marc A. Karish</b> (admitted <i>pro hac vice</i>)  KARISH &amp; BJORGUM, PC  119 E. Union Street, Suite B  Pasadena, CA 91103</p> <p><i>Attorneys for Defendant Arkon Resources, Inc.;  Attorneys For Defendant Wireless Accessory Solutions, LLC, d/b/a iBolt – Wireless Accessory Solutions, LLC</i></p>	<p><input type="checkbox"/> By United States Mail  <input type="checkbox"/> By Legal Messenger  <input checked="" type="checkbox"/> <b>By Electronic CM/ECF</b>  <input type="checkbox"/> By Overnight Express Mail  <input type="checkbox"/> By Facsimile  <input type="checkbox"/> By Email  marc.karish@kb-ip.com</p>
<p><b>Rodney L. Umberger</b> (WSBA No. 24948)  <b>Daniel J. Velloth</b> (WSBA No. 44379)  WILLIAMS, KASTNER &amp; GIBBS PLLC  601 Union Street, Ste. 4100  Seattle, WA 98101-2380</p> <p><i>Attorneys for Defendant  High Gear Specialties Inc.</i></p>	<p><input type="checkbox"/> By United States Mail  <input type="checkbox"/> By Legal Messenger  <input checked="" type="checkbox"/> <b>By Electronic CM/ECF</b>  <input type="checkbox"/> By Overnight Express Mail  <input type="checkbox"/> By Facsimile  <input type="checkbox"/> By Email [by agreement of counsel]  umberger@williamskastner.com  dvelloth@williamskastner.com</p>
<p><b>Thomas L. Kautz</b> (admitted <i>pro hac vice</i>)  GRAY ROBINSON, P.A.  401 East Las Olas Blvd., Ste. 1000  Fort Lauderdale, FL 33301</p> <p><i>Attorneys for Defendant  High Gear Specialties Inc.</i></p>	<p><input type="checkbox"/> By United States Mail  <input type="checkbox"/> By Legal Messenger  <input checked="" type="checkbox"/> <b>By Electronic CM/ECF</b>  <input type="checkbox"/> By Overnight Express Mail  <input type="checkbox"/> By Facsimile  <input type="checkbox"/> By Email [by agreement of counsel]  tom.kautz@gray-robinson.com</p>

1		
2	<p><b>Robert J. Carlson</b> (WSBA No. 18455) LEE &amp; HAYES PLLC One Convention Place 701 Pike Street, Ste. 1600 Seattle, WA 98101</p> <p><i>Attorneys for Defendant Bracketron, Inc.</i></p>	<p>[ ] By United States Mail [ ] By Legal Messenger <b>[X] By Electronic CM/ECF</b> [ ] By Overnight Express Mail [ ] By Facsimile [ ] By Email [by agreement of counsel] bob@leehayes.com</p>
3	<p><b>Terrance C. Newby</b> (admitted <i>pro hac vice</i>) <b>E. Casey Beckett</b> (admitted <i>pro hac vice</i>) <b>Kristian C.S. Weir</b> (admitted <i>pro hac vice</i>) MASLON LLP Wells Fargo Center 90 South Seventh St., Ste. 3300 Minneapolis, MN 55402</p> <p><i>Attorneys for Defendant Bracketron, Inc.</i></p>	<p>[ ] By United States Mail [ ] By Legal Messenger <b>[X] By Electronic CM/ECF</b> [ ] By Overnight Express Mail [ ] By Facsimile [ ] By Email [by agreement of counsel] terry.newby@maslon.com casey.beckett@maslon.com kristian.weir@maslon.com</p>

13 Dated: March 3, 2017                                  By: s/Sharie L. Parks  
14    For Jonathan T. McMichael, WSBA No. 49895  
15    FENWICK & WEST LLP  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27